

# House Study Bill 84

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the handling of manure originating from  
2 confinement feeding operations by providing for certification  
3 requirements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1398DP 82  
6 da/gg/14

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1 1 Section 1. Section 459.102, subsection 17, Code 2007, is  
1 2 amended to read as follows:  
1 3 17. "Confinement site manure applicator" means a person,  
1 4 other than a commercial manure service or a commercial manure  
1 5 service representative, who transports, handles, or applies  
1 6 manure on land if the manure which originates from a manure  
1 7 storage structure.  
1 8 Sec. 2. Section 459.315, subsection 2, Code 2007, is  
1 9 amended to read as follows:  
1 10 2. a. A person required to be certified as a commercial  
1 11 manure service representative must be certified by the  
1 12 department each year. The certification expires on March 1 of  
1 13 each year. The person shall be certified after completing an  
1 14 educational program which shall consist of an any of the  
1 15 following:  
1 16 (1) An examination required to be passed by the person ~~or~~  
1 17 ~~three.~~  
1 18 (2) At least two hours of continuing instructional courses  
1 19 which the person must attend each year ~~in lieu of passing the~~  
1 20 ~~examination. However, the department may require that the~~  
1 21 ~~person attend up to sixty additional minutes of continuing~~  
1 22 ~~instructional courses each year.~~  
1 23 b. A person required to be certified as a confinement site  
1 24 manure applicator must be certified by the department ~~every~~  
1 25 ~~three years each year. However, if the person is exempt from~~  
1 26 ~~paying the certification fee because a family member has paid~~  
1 27 ~~a certification fee as provided in section 459.400, the~~  
1 28 ~~person's certification shall expire on the same date that the~~  
1 29 ~~paid family member's certification expires. A The~~  
1 30 ~~certification expires on March 1 of each year. The person~~  
1 31 ~~shall be certified after completing an educational program~~  
1 32 ~~which shall consist of an any of the following:~~  
1 33 (1) An examination required to be passed by the person ~~or~~  
1 34 ~~two.~~  
1 35 (2) At least two hours of continuing instructional courses  
2 1 which the person must attend each year ~~in lieu of passing the~~  
2 2 ~~examination.~~  
2 3 Sec. 3. Section 459.315, subsection 5, paragraph a, Code  
2 4 2007, is amended by striking the paragraph.  
2 5 Sec. 4. Section 459.315, subsection 5, paragraph b,  
2 6 subparagraph (2), subparagraph subdivision (b), Code 2007, is  
2 7 amended to read as follows:  
2 8 (b) In sight or hearing immediate communication distance  
2 9 of the supervised person.  
2 10 Sec. 5. Section 459.400, subsection 1, paragraph d,  
2 11 subparagraph (2), subparagraph subdivision (a), Code 2007, is  
2 12 amended to read as follows:  
2 13 (a) ~~The person is certified within one year from the date~~  
2 14 ~~that a A~~ family member has been certified as a confinement  
2 15 site manure applicator.  
2 16 Sec. 6. CURRENT CERTIFICATIONS.  
2 17 1. This Act shall not affect the duration of a three-year  
2 18 certification issued by the department of natural resources to

2 19 a person as a confinement site manure applicator pursuant to  
2 20 section 459.315 prior to the effective date of this Act, if  
2 21 all of the following apply:  
2 22 a. The certification is valid on the date immediately  
2 23 prior to the effective date of this Act.  
2 24 b. The person complies with the applicable requirements  
2 25 provided in chapter 459, including section 459.315 as amended  
2 26 by this Act.  
2 27 2. The person's three-year certification shall remain  
2 28 valid regardless of whether the person paid a certification  
2 29 fee or was exempt from paying the certification fee as  
2 30 provided in sections 459.315 and 459.400, as those sections  
2 31 existed on the date immediately prior to the effective date of  
2 32 this Act.  
2 33 3. At the end of the duration of the person's  
2 34 certification as a confinement site manure applicator as  
2 35 provided in section 459.315 as that section existed on the  
3 1 date immediately prior to the effective date of this Act, the  
3 2 person's certification shall expire and the person shall only  
3 3 be certified as a confinement site manure applicator on an  
3 4 annual basis as provided in section 459.315, as amended by  
3 5 this Act.  
3 6 4. The department may adopt rules as necessary to  
3 7 implement this section.

#### 3 8 EXPLANATION

3 9 BACKGROUND. This bill amends Code chapter 459 (the animal  
3 10 agriculture compliance Act), relating to confinement feeding  
3 11 operations regulated by the department of natural resources,  
3 12 and specifically those parts of the Code chapter which provide  
3 13 for the certification of persons involved in the handling of  
3 14 manure, including commercial manure services and confinement  
3 15 site manure applicators (see also Iowa Administrative Code  
3 16 567=65.19).

3 17 A commercial manure service representative is a person  
3 18 affiliated with a commercial manure service engaged in  
3 19 transporting, handling, storing, or applying manure for a fee,  
3 20 while a confinement site manure applicator is a person who  
3 21 applies manure which originates from a confinement feeding  
3 22 operation, but who is not affiliated with a commercial manure  
3 23 service. Currently, a person is certified as a commercial  
3 24 manure service representative or confinement site manure  
3 25 applicator after completing an educational program that  
3 26 consists of an examination or continuing instructional  
3 27 courses.

3 28 COMMERCIAL MANURE SERVICE REPRESENTATIVES. Under current  
3 29 law, a commercial manure service representative must be  
3 30 certified by the department each year. The bill provides the  
3 31 certification expires on March 1, which is consistent with  
3 32 departmental rules. The bill reduces the number of hours of  
3 33 continuing instructional courses required to be completed each  
3 34 year in order for a person to be certified as a commercial  
3 35 manure service representative. The bill reduces the number  
4 1 from three to two, but provides that the department may  
4 2 require that persons attend up to 60 additional minutes of  
4 3 such each year.

4 4 The bill also eliminates a number of provisions which  
4 5 exclude certain persons from certification requirements,  
4 6 including a person actively engaged in farming who trades work  
4 7 with another such person, a person employed by a person  
4 8 actively engaged in farming not solely as a manure applicator  
4 9 who applies manure as an incidental part of the person's  
4 10 general duties, a person engaged in applying manure as an  
4 11 incidental part of a custom farming operation, or a person  
4 12 engaged in applying manure as an incidental part of a person's  
4 13 duties. The bill also eliminates an exclusion for a person  
4 14 who transports, handles, stores, or applies manure for a  
4 15 period of 30 days from the date of initial employment as a  
4 16 commercial manure service representative if the person is  
4 17 seeking certification and the person is acting under the  
4 18 instructions and control of a certified commercial manure  
4 19 service representative.

4 20 CONFINEMENT SITE MANURE APPLICATORS. The bill amends the  
4 21 definition of confinement site manure applicator to include a  
4 22 person who transports or handles manure. The bill changes the  
4 23 duration of a certification from three years to one year, and  
4 24 provides that the expiration date is March 1. The bill  
4 25 provides that the new requirements do not affect the duration  
4 26 of a three-year certification issued by the department prior  
4 27 to the effective date of the bill. However, after the  
4 28 person's three-year certification expires, the bill requires  
4 29 that the person be certified on an annual basis.

4 30 Under current law, certain persons are not required to be  
4 31 certified as confinement site manure applicators, including a  
4 32 person who is a part-time employee or family member of an  
4 33 applicator and is acting under the instructions and control of  
4 34 a certified confinement site manure applicator who is  
4 35 physically present at the site where the manure is located and  
5 1 is in sight or hearing distance of the supervised person. The  
5 2 bill provides that the person being supervised must be within  
5 3 the immediate communication distance of the supervisor in lieu  
5 4 of hearing distance.  
5 5 LSB 1398DP 82  
5 6 da:nh/gg/14